



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
LABRAL TEAR
(Balance of Probabilities)
(No. 37 of 2017)

The Repatriation Medical Authority determines the following Statement of Principles under subsection 196B(3) of the *Veterans' Entitlements Act 1986*.

Dated 30 June 2017

The Common Seal of the
Repatriation Medical Authority
was affixed to this instrument
at the direction of:

A handwritten signature in black ink, appearing to read 'N. Saunders', written in a cursive style.

Professor Nicholas Saunders AO
Chairperson

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1 Name

This is the Statement of Principles concerning *labral tear (Balance of Probabilities)* (No. 37 of 2017).

2 Commencement

This instrument commences on 31 July 2017.

3 Authority

This instrument is made under subsection 196B(3) of the *Veterans' Entitlements Act 1986*.

4 Revocation

The Statement of Principles concerning labral tear No. 95 of 2010 made under subsection 196B(3) of the VEA is revoked.

5 Application

This instrument applies to a claim to which section 120B of the VEA or section 339 of the *Military Rehabilitation and Compensation Act 2004* applies.

6 Definitions

The terms defined in the Schedule 1 - Dictionary have the meaning given when used in this instrument.

7 Kind of injury, disease or death to which this Statement of Principles relates

- (1) This Statement of Principles is about labral tear and death from labral tear.

Meaning of labral tear

- (2) For the purposes of this Statement of Principles, labral tear means:
- (a) an injury involving tearing of the fibrocartilaginous rim of the hip or shoulder joint resulting in local pain and tenderness, with or without accompanying symptoms and signs of popping, clicking, catching, instability or reduced range of motion; and
 - (b) excludes degenerative tears of the labrum associated with osteoarthritis of the relevant joint, and acetabular labral tears associated with femoroacetabular impingement syndrome.

Death from labral tear

- (3) For the purposes of this Statement of Principles, labral tear, in relation to a person, includes death from a terminal event or condition that was contributed to by the person's labral tear.

Note: *terminal event* is defined in the Schedule 1 – Dictionary.

8 Basis for determining the factors

On the sound medical-scientific evidence available, the Repatriation Medical Authority is of the view that it is more probable than not that labral tear and death from labral tear can be related to relevant service rendered by veterans or members of the Forces under the VEA, or members under the MRCA.

Note: *relevant service* is defined in the Schedule 1 – Dictionary.

9 Factors that must exist

At least one of the following factors must exist before it can be said that, on the balance of probabilities, labral tear or death from labral tear is connected with the circumstances of a person's relevant service:

- (1) having a significant physical force applied to or through the affected shoulder joint or the affected hip joint at the time of the clinical onset of labral tear;
- (2) performing forceful and repetitive motions of the affected shoulder joint or the affected hip joint, involving extremes of the normal range of motion, for at least four hours per week for the one month before the clinical onset of labral tear;

Note 1: Examples of activities involving forceful and repetitive motions of the shoulder at extremes of the normal range of motion may include swimming, basketball, football, line or rope handling, rope ladder climbing, loading ammunition, physical employment standards training and participating in obstacle courses, infantry minor tactics courses and high rope courses.

Note 2: Examples of activities involving forceful and repetitive motions of the hip at extremes of the normal range of motion may include golf, hockey, rowing, running, physical employment standards training and participating in obstacle courses and infantry minor tactics courses.

- (3) for labral tear of the hip joint only, being in the third trimester of pregnancy within the one week before the clinical onset of labral tear;
- (4) inability to obtain appropriate clinical management for labral tear.

10 Relationship to service

- (1) The existence in a person of any factor referred to in section 9, must be related to the relevant service rendered by the person.
- (2) The factor set out in subsection 9(4) applies only to material contribution to, or aggravation of, labral tear where the person's labral

tear was suffered or contracted before or during (but did not arise out of) the person's relevant service.

11 Factors referring to an injury or disease covered by another Statement of Principles

In this Statement of Principles:

- (1) if a factor referred to in section 9 applies in relation to a person; and
- (2) that factor refers to an injury or disease in respect of which a Statement of Principles has been determined under subsection 196B(3) of the VEA;

then the factors in that Statement of Principles apply in accordance with the terms of that Statement of Principles as in force from time to time.

Schedule 1 - Dictionary

Note: See Section 6

1 Definitions

In this instrument:

labral tear—see subsection 7(2).

MRCA means the *Military Rehabilitation and Compensation Act 2004*.

relevant service means:

- (a) eligible war service (other than operational service) under the VEA;
- (b) defence service (other than hazardous service and British nuclear test defence service) under the VEA; or
- (c) peacetime service under the MRCA.

Note: **MRCA** and **VEA** are also defined in the Schedule 1 - Dictionary.

terminal event means the proximate or ultimate cause of death and includes the following:

- (a) pneumonia;
- (b) respiratory failure;
- (c) cardiac arrest;
- (d) circulatory failure; or
- (e) cessation of brain function.

VEA means the *Veterans' Entitlements Act 1986*.